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Attorneys for Defendant  
EDDIE BAUER, INC.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

KRISTAL D. SCHERER, an individual  
behalf of herself individually, all others  
similarly situated, and on behalf of the  
general public,

CASE NO. 07-CV-2270-JM (AJB)  
[Assigned to the Hon. Jeffrey T. Miller]

Plaintiff,

VS.

EDDIE BAUER, INC., a Delaware corporation, and DOES 1 through 100, inclusive,

**SUBSTITUTION OF COUNSEL ON  
BEHALF OF DEFENDANT EDDIE  
BAUER, INC.**

### Defendants.

**TO ALL PARTIES AND THEIR COUNSEL OF RECORD:**

**PLEASE TAKE NOTICE** that Defendant EDDIE BAUER, INC. hereby substitutes Frank M. Liberatore, Esq., California State Bar No. 119976, of the law firm of Jackson Lewis LLP, 5000 Birch Street, Suite 5000, Newport Beach, California 92660, (949)885-1360, and Aryn J. Sobo, Esq., California State Bar No. 231813, also of the law firm Jackson Lewis LLP, 725 S. Figueroa Street, Suite 2500, Los Angeles, California 90017, (213)689-0404, as its counsel of record in the place of its present counsel of

1 record, Kalia C. Petmecky, Esq., California State Bar No. 194094, of the law firm of  
2 Akin, Gump, Strauss, Hauer & Feld LLP, 2029 Century Park East, Suite 2400, Los  
3 Angeles, California 90067, (310)229-1000.

4 The foregoing substitution is accepted by Defendant Eddie Bauer, Inc. and by its  
5 present counsel, Kalia Petmecky.

6  
7 Dated: July \_\_\_, 2008

EDDIE BAUER, INC.

8  
9 By:

10 Freya Brier, Esq.  
11 Senior Vice President & General  
12 Counsel

13 Dated: July \_\_\_, 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

14  
15 By:

16 Kalia Petmecky, Esq.

17 On behalf of Jackson Lewis LLP, I accept the foregoing substitution.

18 Dated: July 10, 2008

JACKSON LEWIS LLP

19  
20 Bv: s/Frank M. Liberatore  
21 Frank M. Liberatore

1 record, Kalia C. Petmecky, Esq., California State Bar No. 194094, of the law firm of  
2 Akin, Gump, Strauss, Hauer & Feld LLP, 2029 Century Park East, Suite 2400, Los  
3 Angeles, California 90067, (310)229-1000.

4 The foregoing substitution is accepted by Defendant Eddie Bauer, Inc. and by its  
5 present counsel, Kalia Petmecky.

6  
7 Dated: July 3, 2008

EDDIE BAUER, INC.

8 By:  
9

  
Freya Brier, Esq.  
Senior Vice President & General  
Counsel

10  
11 Dated: July   , 2008

AKIN GUMP STRAUSS HAUER & FELD LLP

12 By:  
13

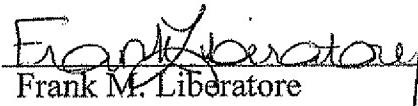
Kalia Petmecky, Esq.

14  
15 On behalf of Jackson Lewis LLP, I accept the foregoing substitution.

16  
17 Dated: July 8, 2008

JACKSON LEWIS LLP

18 By:

  
Frank M. Liberatore

1 record, Kalia C. Petmecky, Esq., California State Bar No. 194094, of the law firm of  
2 Akin, Gump, Strauss, Hauer & Feld LLP, 2029 Century Park East, Suite 2400, Los  
3 Angeles, California 90067, (310)229-1000.

4 The foregoing substitution is accepted by Defendant Eddie Bauer, Inc. and by its  
5 present counsel, Kalia Petmecky.

6  
7 Dated: July \_\_, 2008 EDDIE BAUER, INC.  
8

9 By: \_\_\_\_\_  
10 Freya Brier, Esq.  
11 Senior Vice President & General  
Counsel

12 Dated: July \_\_, 2008 AKIN GUMP STRAUSS HAUER & FELD LLP  
13

14 By: \_\_\_\_\_  
15 Kalia Petmecky, Esq.

16 On behalf of Jackson Lewis LLP, I accept the foregoing substitution.  
17

18 Dated: July \_\_, 2008 JACKSON LEWIS LLP  
19

20 By: \_\_\_\_\_  
Frank M. Liberatore  
21  
22  
23  
24  
25  
26  
27  
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## **PROOF OF SERVICE**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**CASE NAME:** Scherer v. Eddie Bauer, Inc.

CASE NUMBER: 07-CV-2270-JM (AJB)

I am employed in the County of LOS ANGELES, State of California. I am over the age of 18 and not a party to the within action; my business address is 725 South Figueroa Street, Suite 2500, Los Angeles, California 90017-5408.

On July 10, 2008, I served the foregoing document described as:  
**SUBSTITUTION OF COUNSEL ON BEHALF OF DEFENDANT EDDIE BAUER,  
INC.** in this action by placing a true copy thereof in a sealed envelope addressed as follows:

**KALIA PETMECKY, ESQ.**  
**AKIN GUMP STRAUSS HAUER & FELD LLP**  
2029 CENTURY PARK EAST, SUITE 2400  
LOS ANGELES, CALIFORNIA 90067

PHONE: (310) 229-1000  
FAX:

**SHELDON A. OSTROFF, ESQ.  
LAW OFFICES OF SHELDON A. OSTROFF  
1441 STATE STREET  
SAN DIEGO, CALIFORNIA 92101**

PHONE: (619) 544-0881  
FAX: (619) 544-0892

**JAMES C. KOSTAS, ESQ.  
DAVID HUFFMAN, ESQ.  
HUFFMAN & KOSTAS  
1441 STATE STREET  
SAN DIEGO, CALIFORNIA 92101**

PHONE: (619) 544-0880  
FAX: (619) 544-0892

**BY MAIL:**

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY NOTICE OF ELECTRONIC FILING:**

The above-listed counsel have consented to electronic service and have been automatically served by the Notice of Electronic Filing, which is automatically generated by CM/ECF at the time said document was filed, and which constitutes service pursuant to FRCP 5(b)(2)(D).



**FEDERAL:**

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on **July 10, 2008**, at Los Angeles, California.

s/Elizabeth Garcia-Zapata

**ELIZABETH GARCIA-ZAPATA**